



## PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 60-10	Subject: <b>OFFENDER GRIEVANCE SYSTEM</b>
Reference: <a href="#">DOC 3.3.3</a>	Page 1 of 8
Effective Date: 01/22/09	Revision Dates: 02/04/09
Signature / Title: /s/ Ron Alsbury	

### I. BUREAU DIRECTIVE:

The Probation & Parole Bureau will provide an internal grievance mechanism to resolve offender complaints, reduce the need for litigation, and afford staff the opportunity to improve operations.

### II. DEFINITIONS:

Adult Community Corrections Division (ACCD) Administrator – The Administrator responsible for the overall administrative functions of the Adult Community Corrections Programs. The Administrator reports directly to the Director of the Department of Corrections (Department).

Emergency Grievance – A grievance concerning matters that subject (or have subjected) an offender to a substantial risk of immediate personal injury or serious harm.

Grievance – A single complaint filed by an offender concerning subject matter as outlined in this operational procedure.

Grievance Coordinator (GC) – The staff member assigned to administer, investigate, and respond to offender grievances. The responsibilities of this position may also apply to that person's designee.

Management – ACCD employees with management or supervisory responsibilities and duties including, but not limited to, the ACCD Administrator, Probation & Parole (P&P) Bureau Chief, P&P Regional Administrators (RA), and Probation Officer IIs (POII).

Policy/Operational Procedure Grievance – A grievance concerning written policies and procedures.

Probation & Parole Bureau Chief (Bureau Chief) – The manager responsible for the overall administrative functions of the P&P Bureau (Bureau). The Bureau includes adult probation and parole services, Intensive Supervision Programs and Institutional Probation & Parole services.

Staff Conduct Grievance – A grievance concerning prohibited conduct defined in [DOC 1.3.12 Staff Association and Conduct with Offenders](#).

Standard Grievance – A grievance concerning all other matters not specifically categorized below.

### III. PROCEDURES:

**Offenders must begin the grievance process by following the protocols set forth in this procedure and beginning with Section E below.**

#### A. Non-Grievable Issues

1. Actions by outside entities not under the jurisdiction of the Department, including the Sentence Review Board and Board of Pardons and Parole, are not grievable under the offender grievance

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system.

2. Classification and disciplinary decisions are subject to a separate appeal procedure and are therefore not grievable under the Offender Grievance System.

## **B. Grievable Issues**

1. If, at any time, the issue involves sexual misconduct as defined in [DOC 1.3.14 Prison Rape Elimination Act](#), the grievance shall immediately be forwarded to the PREA Coordinator and the Grievance Coordinator in accordance with *DOC 1.3.14*. The GC will notify offender that the grievance has been referred to the PREA Coordinator for review and/or investigation. Offenders are not required to go through the informal resolution step to report allegations of sexual misconduct.
2. All other issues including, but not limited to, staff conduct, policy and/or operational procedures, and other standard grievance matters such as issues related to the implementation of the standard and special conditions of the offender's probation, parole, or conditional release supervision, program access, or religious issues are grievable.
3. Grievances regarding Department policies and/or operational procedures must specifically demonstrate with factual basis that the offender filing the grievance has been, in some manner, unfairly or personally adversely affected by the application or operation of a policy and/or operational procedure.

## **C. Access, Distribution, and Submission of Forms**

1. All offenders currently on supervision must be provided a copy of this operational procedure and given the opportunity to review the procedure, regardless of their supervision level, status, disciplinary, or administrative status. All new offenders will receive a copy of this operational procedure at the time of sign-up and have an opportunity to ask questions and receive answers about the procedures.
2. *P&P 60-10(B) Step One-Offender Informal Resolution Form, P&P 60-10(C) Step Two-Offender Formal Grievance Form, P&P 60-10(D) Offender Informal/Formal Continuance Form, and P&P 60-10(E) Step Three and Step Four and P&P 60-10(F) Step Five-Offender Grievance Appeal* forms will be made available to offenders under P&P supervision by all P&P or ACCD staff at any time, at the time of sign-up for new offenders, on the Department's website, or by contacting:

ACCD Grievance Coordinator  
PO Box 201301  
Helena, Montana 59620  
[ACORGrievances@mt.gov](mailto:ACORGrievances@mt.gov)

Staff members will be available to provide instructions on the proper completion of the forms and on how to advance the grievance to the next level of review or appeal.

3. All new employees will receive a copy of this operational procedure and have an opportunity to ask questions and receive answers about the procedures. The employee will complete *P&P 60-10(G) Staff Acknowledgement Form* and form will be sent to Training Bureau.
4. In the course of resolving a formal offender grievance complaint, staff will have access to

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essential records for grievance resolution. The offender's grievance serves as a waiver of confidentiality in this regard.

5. This operational procedure will be available in English and any other language spoken by 10% of the offender population. The GC will designate staff to assist offenders who do not speak a language spoken by a significant portion of the offender population, as well as those offenders who are visually or otherwise impaired. The GC will explain how to complete forms, file, appeal, and resolve grievances.
6. Depending upon the grievance step, the offender will submit the appropriate forms to the following:

POII or Regional Administrator  
Billings P&P Office  
PO Box 31518  
Billings, MT 59107

POII or Regional Administrator  
Glendive P&P Office  
606 N. Merrill Ave.  
Glendive, MT 59330

POII or Regional Administrator  
Great Falls P&P Office  
219 5<sup>th</sup> St. S, Suite A  
Great Falls, MT 59405

POII or Regional Administrator  
Helena P&P Office  
PO Box 201313  
Helena, MT 59620-1313

POII or Regional Administrator  
Kalispell P&P Office  
Triangle Bld.,  
575 Sunset Blvd., #208  
Kalispell, MT 59901

POII or Regional Administrator  
Missoula P&P Office  
2415 Mullan Rd.  
Missoula, MT 59808

P&P Bureau Chief  
PO Box 201301  
Helena, MT 59620

ACCD Administrator  
PO Box 201301  
Helena, MT 59620

Director, Department of Corrections  
PO Box 201301  
Helena, MT 59620

7. **All submissions must be delivered or postmarked within the specified time frames given in this procedure.**

#### **D. Time Limits, Extension, and Exhaustion**

1. The maximum length of time allowed from initiation to final disposition of the grievance process is 180 calendar days.
2. With respect to all time limits established for offenders, extensions may be granted by the GC for good cause shown in exceptional circumstances, such as physical incapacity or being in transit while separated from relevant documents.
3. Staff may only exceed the time limits set for good cause and with written notice to the offender on *P&P 60-10(A) Grievance Response Extension Form*.
4. All submissions and responses must be delivered or postmarked within the time frames specified in this procedure.
5. If an offender fails to receive a timely response from a staff member as set forth in this procedure, the grievance is deemed denied and the offender may file the appropriate forms to advance to the

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next level of the grievance system.

6. If an offender fails to advance to the next level of the grievance system within the stated time limit, the opportunity to exhaust any administrative remedies under the Offender Grievance System will be considered to have been forfeited.

#### **E. Step One-Informal Resolution – Filing and Response by POII**

1. Except as provided below regarding emergency grievances, an offender must first present an issue of concern in writing on *P&P 60-10(B) Step One-Offender Informal Resolution Form* to the supervising POII within five (5) working days of the action or omission that caused the complaint, and attempt to resolve the issue before filing a formal grievance. If more space is needed, the offender may use up to one *P&P 60-10(D) Offender Grievance Continuation Form*.
2. The POII will investigate the complaint and will attempt to resolve the issue informally. A response will be provided to the offender on the *Step One-Offender Informal Resolution Form* within twenty (20) working days of initial receipt of the form from the offender. The form includes instructions on how to proceed with a formal grievance.
3. If the POII refers the issue to a more appropriate department for response or to another POII or the RA due to a conflict of interest, the action and date of referral must be documented. The receiving staff member will thoroughly address the issue and notify the offender and GC if an answer cannot be provided before the established twenty (20) day deadline.
4. The response to the informal resolution must be routed to the GC in addition to the offender.
5. The offender may file a formal grievance within five (5) working days from the date they received the informal resolution response.
6. If a response is not received within twenty-five (25) working days from the submission of *Step One-Offender Informal Resolution*, the offender may proceed by filing a formal grievance without an informal response. The formal grievance must be filed within the next five (5) working days.

#### **F. Step Two-Formal Grievance – Filing and Response by RA**

1. The offender will complete *P&P 60-10(C) Step Two-Offender Grievance Form* and submit it to the attention of the RA. The *Form* should include all requested identifying information, and legibly and clearly state the issue in the space provided. If more space is needed, one *P&P 60-10(D) Offender Grievance Continuation Form* may be used.
2. The name of every individual against whom the offender is making the claim will be listed.
3. A single issue or a reasonable number of closely related issues should be described on the form. If multiple unrelated issues are included on a single form, the submission will be rejected and returned without response by the RA. The offender will then be advised to use a separate form for each unrelated issue.
4. Copies of all documentation essential to the resolution of a grievance will be provided, including the *P&P 60-10(B) Step One-Offender Informal Resolution Form* with response. The offender is encouraged to retain a copy of all exhibits for their personal records.
5. Grievances filed by two or more offenders on the same form will be returned to the offender(s) unprocessed by the RA. An offender may not submit a grievance form on behalf of another

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offender. Staff may provide assistance with procedural process, obtaining forms, and providing contact information. Assistance may be provided by other offenders in filing a grievance form.

6. The RA and GC will assure that the grievance form is complete. Incomplete forms will be returned to the offender with a written statement as to why it is not being processed. The offender may resubmit the grievance form with the appropriate corrections, but must do so within 72 hours or it will be rejected.
7. The offender will provide contact information including address, home telephone number, cell phone number, and work telephone number if appropriate to ensure contact with the RA throughout the process.
8. The RA will respond in writing to all properly filed grievance forms within twenty (20) working days. All responses will contain specific, explanatory reasons for any decision to assist the offender's understanding of the decision. The response will also include that an appeal to the Bureau Chief is available and how to proceed.
9. The RA providing the written response will legibly sign and date it.
10. The offender may file an appeal to the Bureau Chief within five (5) working days from receipt of the RA's response.
11. Except for the Director, any person implicated in a formal offender grievance will not participate in the decision-making process concerning the grievance.

#### **G. Step Three-Formal Grievance Appeal Filing and Response by Bureau Chief**

1. An offender wishing to appeal the RA's response may do so by submitting *P&P 60-10(E) Step Three-Offender Grievance Appeal to Bureau Chief* to the Bureau Chief within five (5) working days of receipt of the response.
2. The Bureau Chief will review the appeal form within twenty (20) working days of receipt and provide a written response to the offender specifying the reasons for any decision. The response will include that an appeal to the ACCD Administrator is available and instructions on how to proceed.
3. The offender will have five (5) working days from receipt of the response to submit an appeal to the ACCD Administrator.

#### **H. Step Four-Formal Grievance 2<sup>nd</sup> Appeal Filing and Response by ACCD Administrator**

1. An offender wishing to appeal the Bureau Chief's response may do so by submitting *P&P 60-10(E) Step Four-Offender Grievance Appeal to Division Administrator* and any additional documentation to the ACCD Administrator within five (5) working days of receipt of the response.
2. The ACCD Administrator will review the appeal form within twenty (20) working days of receipt and provide a written response to the offender specifying the reasons for any decision. The response will include instructions that a final appeal to the Director is available and how to proceed.
3. The offender will have five (5) working days from receipt of the response to submit an appeal to the Director.

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## **I. Processing by the Director**

1. An offender wishing to appeal the ACCD Administrator's response must submit *P&P 60-10(F) Step Five-Offender Grievance Appeal to Director* and any additional documentation to the Director within five (5) working days of receipt of the response.
2. An offender may not raise in an appeal any issue that was not raised in the lower level filings and may not combine appeals of separate lower level responses into a single appeal.
3. The Department Director will respond to an appeal of an emergency grievance within ten (10) working days of receipt.
4. The Director will respond in writing to all other appeals within twenty (20) working days of receipt, specifying the reasons for any decision.
5. The Director's response is final, and exhausts all administrative remedies available to the offender through the Offender Grievance System.

## **J. Emergency Grievances**

1. If, at any time, an offender grievance contains issues involving sexual misconduct as defined in [DOC 1.3.14 Prison Rape Elimination Act](#), the grievance shall be identified as an emergency grievance and will be immediately forwarded to the PREA Coordinator and the Grievance Coordinator in accordance with *DOC 1.3.14*. The GC will notify offender that the grievance has been referred to the PREA Coordinator for review and/or investigation. Offenders are not required to go through the informal resolution step to report allegations of sexual misconduct.
2. Offenders alleging actual, or risk of, immediate physical harm may file a formal emergency grievance.
3. The offender will specify on *P&P 60-10(C) Step Two-Offender Formal Grievance Form* the exact nature of the issue and why it is considered an emergency. The offender has 72 hours from the incident to file a formal emergency grievance.
4. The offender will submit the completed *Offender Formal Grievance Form* to the POII. Any offender alleging an emergency grievance issue may obtain assistance from any staff member to ensure the grievance is delivered. The POII and GC will determine whether the issue is a legitimate emergency, and the GC will determine who responds to the grievance.
5. A response will be provided to the offender in writing within 72 hours of receipt of the emergency grievance. The GC may extend this time frame, but only for an additional 72 hours and will inform the offender in writing of any time frame extension.
6. The offender may appeal the response to the emergency grievance to the Director by submitting a completed *P&P 60-10(F) Step Five-Offender Grievance Appeal to Director* form to the GC within three (3) working days of receipt of the response. The GC will promptly forward the appeal to the Director. The Director will respond to all legitimate emergency grievances in writing within ten (10) working days of receipt.
7. If the issue is determined not to be a legitimate emergency by the GC, the GC will return the grievance to the offender within 72 hours, with a written response specifying why the issue is inappropriate as an emergency. The offender then has five (5) working days to pursue the issue as

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a standard grievance, beginning with submission of *P&P 60-10(B) Step One-Offender Informal Resolution Form* to the POII.

8. The decision that the grievance should be pursued as a standard grievance issue cannot be appealed by the offender.

#### **K. Staff Conduct Grievances**

1. Responding staff and/or the GC will immediately forward any grievance that fits the specific criteria noted in [DOC 1.3.12](#), *Staff Association and Conduct with Offenders* to the Bureau Chief and/or ACCD Administrator.
2. If deemed necessary, a formal investigation will be conducted in conjunction with the grievance process. A written response must be provided to the offender within twenty (20) working days of receipt of the grievance.

#### **L. Policy and Operational Procedure Grievances**

1. Responding staff and/or the GC will forward any grievance challenging formal policy or operational procedures to the Bureau Chief and/or ACCD Administrator.
2. The established procedure review committee may be utilized as deemed necessary in conjunction with the grievance process, however, a written response to the offender is required within twenty (20) working days of receipt of the grievance.

#### **M. Offender Use of the Grievance System – Protection Against Reprisal**

1. Staff will not harass, punish, or discipline an offender for utilizing the offender grievance process. Employees will be subject to disciplinary action if this directive is violated.

#### **N. Offender Abuse of the Grievance System**

1. Abuse of the grievance procedure by an offender includes the use of profanity, threats, abusive or demeaning language; submitting an excessive number of grievance forms; and submitting multiple grievances in reference to the same issue(s).
2. If an offender demonstrates a pattern of abuse of the Offender Grievance System, the GC will notify the offender in writing that such actions are creating an administrative burden at the expense of legitimate complaints. The notice will contain specific reasons for the decision and state that the GC will return future grievances that demonstrate a continued pattern of abuse. The notice will not be subject to appeal.

#### **O. Retention of Records**

1. All staff involved in the grievance process will copy and provide all documentation produced and received for the GC.
2. All grievance documents will be placed in a file maintained by the GC and responding staff. These documents will not be copied to other files.
3. The GC will log, assign a case number, and return any future grievances demonstrating a continued pattern of abuse to the offender with the issue unanswered.

#### **P. Remedies**

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1. This procedure will afford the grievant a meaningful remedy to valid grievances. The scope of available administrative remedies is broad and should be applied on a case-by-case basis. Possible remedies include, but are not limited to:
  - a. Modification of Bureau and/or ACCD operational procedure or practice.
  - b. Assurance that deprivation of necessary care or other abuse should not recur.
  - c. Other remedies that will meaningfully solve the problem presented.

#### **Q. Processing by Grievance Coordinator**

The GC will:

1. Log the grievance steps throughout the process upon receipt at each level.  
 [Note: Emergency issues will be screened for actual emergent nature by the staff person that receives the emergency grievance and will be immediately forwarded actual emergent nature, operational procedure, and staff conduct grievances to the GC.]
2. Ensure all timelines are met.
3. Ensure proper documentation is present for the basis of any decision in the response to the offender.
4. Retain all documentation regarding the grievance in the grievance files, including all efforts to resolve the grievance.
5. Record all steps of the grievance and any appeals in a grievance log.
6. Ensure delivery of all responses to the offenders.
7. Ensure all appeals are forwarded to the appropriate person.

#### **IV. CLOSING:**

Questions concerning this operational procedure should be directed to the Grievance Coordinator, Bureau Chief, or ACCD Administrator.

##### Forms

P&P 60-10(A)	Grievance Response Extension Form
P&P 60-10(B)	Step One-Offender Informal Resolution Form
P&P 60-10(C)	Step Two-Offender Formal Grievance Form
P&P 60-10(D)	Offender Informal/Formal Grievance Continuation Form
P&P 60-10(E)	Step Three and Step Four-Offender Grievance Appeal to Bureau Chief / ACCD Administrator
P&P 60-10(F)	Step Five-Offender Grievance Appeal to Director
P&P 60-10(G)	Staff Acknowledgement Form





STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
PROBATION & PAROLE BUREAU

STEP ONE-OFFENDER INFORMAL RESOLUTION FORM

LOCATION OF P&P OFFICE: \_\_\_\_\_

Name: \_\_\_\_\_ DOC ID #: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, names of any witnesses. **Name the person(s) you are grieving.** WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem resolved?

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ACTION REQUESTED: \_\_\_\_\_

OFFENDER SIGNATURE: \_\_\_\_\_

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: The action you request is / is not appropriate because: \_\_\_\_\_

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Requested action is granted ☐ / denied ☐. You have the right to grieve if this response does not satisfy you.

RESPONDANT SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

I acknowledge that I have received this response. \_\_\_\_\_  
OFFENDER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

A FORMAL GRIEVANCE USING P&P 60-10(C) MAY BE SUBMITTED IN PERSON OR POSTMARKED WITHIN FIVE (5) WORKING DAYS OF RECEIPT OF THIS RESPONSE. Attach copies of all pertinent information.

Do not write in this space			
EMERGENCY	Staff Conduct	Operational procedure	Standard
Received by: _____ Date: _____ Gr. No.: _____			



STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
PROBATION & PAROLE BUREAU

STEP TWO-OFFENDER FORMAL GRIEVANCE FORM

LOCATION OF P&P OFFICE: \_\_\_\_\_

Name: \_\_\_\_\_ DOC ID #: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Description must include date and time incident occurred, attempts made to resolve, names of staff involved, description of any evidence, names of any witnesses. **Name the person(s) you are grieving.** WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem resolved?

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ACTION REQUESTED: \_\_\_\_\_

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OFFENDER SIGNATURE: \_\_\_\_\_

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: The action you request is / is not appropriate because: \_\_\_\_\_

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Requested action is ☐ granted / ☐ denied. You have the right to appeal if this response does not satisfy you.

RESPONDANT SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

I acknowledge that I have received this response. I do / do not intend to appeal to the next level.

OFFENDER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**APPEALS USING P&P 60-10(E) TO THE BUREAU CHIEF OR ACCD ADMINISTRATOR MAY BE SUBMITTED IN PERSON OR POSTMARKED WITHIN FIVE (5) WORKING DAYS OF RECEIPT OF THIS RESPONSE. Attach copies of all pertinent information.**

Do not write in this space			
EMERGENCY	Staff Conduct	Operational procedure	Standard
Received by: _____ Date: _____ Gr. No.: _____			





STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
PROBATION & PAROLE BUREAU

**STEP THREE-OFFENDER GRIEVANCE APPEAL TO BUREAU CHIEF**  
**STEP FOUR-OFFENDER GRIEVANCE APPEAL TO ACCD ADMINISTRATOR**

LOCATION OF P&P OFFICE: \_\_\_\_\_

Name: \_\_\_\_\_ DOC ID #: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

State the reason for this appeal:

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Bureau Chief / ACCD Administrator RESPONSE:

Appeal has been:                      Granted ☐      Denied ☐                      Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Comments:

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\_\_\_\_\_  
BUREAU CHIEF / ACCD ADMINISTRATOR SIGNATURE

\_\_\_\_\_  
DATE

You have the right to appeal this response to the Director, Department of Corrections.

I acknowledge that I have received this response. I do ☐ / I do not ☐ intend to appeal to the next level.

\_\_\_\_\_  
OFFENDER SIGNATURE

\_\_\_\_\_  
DATE

**AN APPEAL USING P&P 60-10(F) TO THE DIRECTOR MAY BE SUBMITTED IN PERSON OR POSTMARKED WITHIN FIVE (5) WORKING DAYS OF RECEIPT OF THIS RESPONSE. Attach copies of all pertinent information.**

Do not write in this space

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Gr. No.: \_\_\_\_\_



STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
PROBATION & PAROLE BUREAU

**STEP FIVE-OFFENDER GRIEVANCE APPEAL TO DIRECTOR**

LOCATION OF P&P OFFICE: \_\_\_\_\_

Name: \_\_\_\_\_ DOC ID #: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

State the reason for this appeal:

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DIRECTOR RESPONSE:

Appeal has been:                      Granted ☐                      Denied ☐                      Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Comments:

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\_\_\_\_\_  
DIRECTOR SIGNATURE

\_\_\_\_\_  
DATE

**YOU ARE ADVISED THAT THIS CONCLUDES ADMINISTRATIVE REMEDIES AVAILABLE THROUGH  
THE DEPARTMENT OF CORRECTIONS.**

I acknowledge that I have received this response.

\_\_\_\_\_  
OFFENDER SIGNATURE

\_\_\_\_\_  
DATE

Do not write in this space

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Gr. No.: \_\_\_\_\_